



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

██████████
██████████
██████████

DECISION

MPA/172915

PRELIMINARY RECITALS

Pursuant to a petition filed March 16, 2016, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for an occupational therapy (OT) evaluation, a hearing was held on April 27, 2016, at ██████████, Wisconsin, with the judge appearing by telephone.

The issue for determination is whether the DHCAA correctly denied an OT evaluation because it occurred more than 14 days before the prior authorization (PA) request.

PARTIES IN INTEREST:

Petitioner:

██████████
██████████
██████████

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Written submission of ██████████, OT Consultant

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Sauk County who receives MA.
2. On June 8, 2015 petitioner underwent an OT evaluation at ██████████ in ██████████.
3. On November 13, 2015 ██████████ requested prior authorization for OT services for to be done October 31 through the end of November, 2015, PA no. ██████████. The request also sought coverage of the evaluation done in June.

4. By a letter dated February 15, 2016 the DHCAA approved the request for the actual OT services but denied the request for coverage of the evaluation because it was done more than two weeks prior to the PA request.

DISCUSSION

A prior authorization request typically must be filed before the service is performed. Wis. Admin. Code, §DHS 107.02(3). The Department does allow backdating of initial PA requests, however, in certain circumstances where there is justification for beginning the service before the grant date. See MA Provider Handbook, Topic #439. Backdating can be allowed no more than 14 days prior to the receipt of the PA request.

In this case the PA request was filed on November 13, 2015. The DHCAA allowed backdating of the actual OT services to October 31, but it denied the request for the evaluation that was done in June, 2015 without authorization. The denial was correct.

Petitioner went ahead with the hearing due to confusion with a second evaluation done at [REDACTED] in Madison in August, 2015. Apparently petitioner is being billed for that evaluation. I explained that the clinics cannot bill petitioner for either evaluation as long as petitioner informed the clinics that he was an MA recipient. For purposes of this appeal, however, the August evaluation at [REDACTED] is outside the scope of the appeal. It is evident that the November PA request referred only to the June, 2015 evaluation at [REDACTED], and I find that denial to have been correct. I thus will dismiss the appeal, and I referred petitioner to the Department's provider liaison to address any issue with the [REDACTED] evaluation.

CONCLUSIONS OF LAW

The DHCAA correctly denied a request for approval of an OT evaluation by [REDACTED] because the PA request was filed more than two weeks after the service was provided.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 28th day of April, 2016

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 28, 2016.

Division of Health Care Access and Accountability